

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

MATTHEW FOLLIS §
VS. § CIVIL ACTION NO. 1:22-CV-141
LIBERTY COUNTY §

MEMORANDUM OPINION AND ORDER
ADOPTING REPORT AND RECOMMENDATION

Plaintiff, Matthew Follis, a pre-trial detainee confined at the Liberty County Jail, proceeding *pro se*, filed this civil rights action pursuant to 42 U.S.C. § 1983 against the Defendant Liberty County.

The court referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The Magistrate Judge recommends dismissing this action for want of prosecution pursuant to Federal Rule of Civil Procedure 41(b) (doc. # 10).

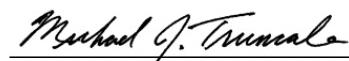
The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such order, along with the records, and pleadings. Plaintiff filed a Response, liberally construed as objections, to the Report and Recommendation of United States Magistrate Judge (doc. # 10). This requires a *de novo* review of the objections in relation to the pleadings and applicable law. *See* FED. R. CIV. P. 72(b).

Plaintiff has failed to pay the initial partial filing fee as ordered in this case and has failed to respond to the Magistrate Judge's most recent order filed September 29, 2022, inquiring into the initial partial filing fee in light of Plaintiff's Objections. Plaintiff has had almost six months to pay the initial partial filing fee, but has failed to do so. Plaintiff also failed to respond to the Magistrate Judge's order inquiring into Plaintiff's efforts in requesting the Liberty County Jail release the funds. Plaintiff has failed to diligently prosecute this case.

ORDER

Accordingly, Plaintiff's objections are OVERRULED. The findings of fact and conclusions of law of the Magistrate Judge are correct, and the report of the Magistrate Judge is ADOPTED. A Final Judgment will be entered in accordance with the recommendations of the Magistrate Judge.

SIGNED this 2nd day of November, 2022.



Michael J. Truncale
United States District Judge